

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-005859

01/02/2013

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
A. Quintana
Deputy

IN RE THE MARRIAGE OF
LOIS ANN FLYNN

JOE M ROMLEY

AND

CHARLES DAVID RODRICK

STEPHEN JOHN PRZESLICKE

ANNE MICHAEL WILLIAMS

MINUTE ENTRY

The Court has Father's "Motion for Sanctions," filed December 3, 2012, the responses filed by Mother on December 17, 2012 and on behalf of the children on December 4, 2012 and Father's reply, filed December 12, 2012.

Between November 19, 2012 and November 21, 2012 counsel for the children filed five substantive motions on their behalf: (1) Motion for Father/Respondent's Return of Child, Lauren Rodrick's, Personal Belongings from the 2011 Ford Mustang, (2) Child, Lauren Rodrick's Invocation of Rules 11 and 12 Rules of Family Law Procedure, (3) Child, Ryan Rodrick's Invocation of Rule 12 Rules of Family Law Procedure, (4) Child, Lauren Rodrick's Motion for Expedited Clarification of Court's November 16, 2012 Minute Entry Ruling and (5) Child, Ryan Rodrick's Motion to Set Aside Parenting Time and Custody Agreement.

On November 27, 2012 counsel for the children filed two more motions: (1) Children, Lauren & Ryan Rodrick's Motion for Injunctive Relief from Father/Respondent's Harassing Behaviors against Mother/Petitioner and Motion for Court-Imposed Financial Sanctions against Father/Respondent and (2) Child, Ryan Rodrick's Motion for Court Appointment of Guardian Ad Litem Pursuant to Rule 10(A)(1)(a) and (2)(b)(d)(g), Arizona Rules of Family Law Procedure, and A.R.S. Sections 25-321; 25-403 (A)(2)(3)(5) EFF: 01/01/13: A.R.S. 25-403 (A)(1)(2)(4)(5) and Request for Attorney's Fees and Costs.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-005859

01/02/2013

On November 29, 2012 counsel for the children filed one more motion: Children, Lauren & Ryan Rodrick's Motion Pursuant to Rule 63A Arizona Rules of Family Law Procedure for a Psychological and/or Psychiatric Evaluation of Respondent Charles Rodrick.

These motions were overly vitriolic and improper. The children were not parties, no request to appoint counsel for them had been granted and they had not been authorized to file pleading as interveners. Counsel simply added their names to the captions and filed the motions.

Most troubling to the Court are the motions filed on behalf of the children entitled (1) Children, Lauren & Ryan Rodrick's Motion for Injunctive Relief from Father/Respondent's Harassing Behaviors against Mother/Petitioner and Motion for Court-Imposed Financial Sanctions against Father/Respondent and (2) Children, Lauren & Ryan Rodrick's Motion Pursuant to Rule 63A Arizona Rules of Family Law Procedure for a Psychological and/or Psychiatric Evaluation of Respondent Charles Rodrick. The first of these motions request that the Court order Father "not harass Mother by any electronic or website postings", and that the Court sanction Father in the amount of "\$1,000.00 per day" for each day Father "allowed a web-posting to exist" against Mother/Petitioner and/or her friend, David Ellis". The second of these two most troubling motions has two minor children advocating for a psychological evaluation of their own Father, as issue which had not previously been raised by any party.

Rule 11, Ariz. R. Civ. Pro, prohibits attorneys from filing motions not supported by the law or a good faith belief that the law should be extended. No law allows children to automatically add themselves to their parents dissolution proceeding or to otherwise file motions in those proceedings. Counsel for the children has made no argument for the extension of law to allow children to do so.

The Court finds that counsel for the children violated Rule 11 when she filed the eight motions described above.

As a sanction for this violation, counsel is ordered to make a donation to the charity of Father's choosing in the amount of not less than \$500.00 by February 15, 2013. Father shall advise the children's counsel by February 1, 2013 of the name and address of his chosen charity.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.